E/S Raphael Road, 275' N of Mt. Vista Road 11th Election District 5th Councilmanic District

James F. Stadler, et al

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 89-190-X

* * * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.

Petitioner James Stadler testified regarding the proposed use of the property as a golf course, consisting of an executive 18-hole course, privately-owned and open to the public, with hours of the driving range reduced from 6:00 AM to 11:00 PM to 6:00 AM to 9:00 PM to meet the concerns of the neighborhood. Mr. Stadler testified that the club room would contain the pay gate for use of the driving range, vending machines, pro shop, and lavatory facilities. Mr. Stadler testified that there were no plans for a lighted golf course, however, Petitioners are desirous of lighting the driving range when necessary up to 9:00 PM. Petitioner testified in his opinion the proposed use was in keeping with the concerns of

Joseph Larson, an engineer, testifed regarding his firm's preparation of the site plans identified as Petitioner's Exhibits 1 and 2. He testified as to the reasons for the changes which incorporated the community's concerns which are set forth in Petitioner's Exhibit 5. Mr. Larson testified in his opinion the proposed use of the property fully complies with all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

John Rhode, a landscape architect, testified as to the proposed landscaping of the property around the parking facilities. To support Petitioner's proposed plans, Petitioner's Exhibit 6 was introduced.

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Ken Holt testified in opposition on behalf of the Kingsville Civic Association. He indicated their concerns included the proposed lighting of the driving range and its adverse affect on the adjoining property owners. He further indicated that if lighting was permitted, the community strongly felt the lights should be extinguished by 9:00 PM. Testimony further indicated that the neighbors were in favor of the revisions set forth in the site plan marked Petitioner's Exhibit 5 which moves

Mr. Lindsey, a property owner directly across from the proposed parking lot, adamantly opposed the lighting of the driving range. In addition to the concerns raised by Mr. Holt, Mr. Lindsey is concerned about the landscaping and buffering of the property along Raphael Road.

Ms. Pine, a resident approximately 5 miles from the area, expressed many concerns, including but not limited to, the lighting of the driving range, the location of the driving range, placement of the golf holes, and the commitment of Petitioners to leave the existing wooded area as open space in the event the locations of the golf holes were not spread out further into that area.

It is clear that the B.C.Z.R. permits the use proposed in a R.C.5

zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be 'determined if the conditions as delineated in Section 502.1 are satisfied.

the property line 100 feet off of Raphael Road in contrast to the original proposal. He further indicated that the neighbors would like to see the proposed use a minimum of 300 feet away from the street, if at all possible. The Association is further desirous of having the parking lot locked after hours to prevent loitering which would be detrimental to the neighborhood. The community's concerns also dealt with Petitioners' compliance with requirements regarding proper watering and fertilizing of the property to insure no adverse affect upon neighboring streems. Mr. Holt concluded by saying the community was in favor of the proposed golf course in principle as they see it as a benefit to the community; however, they believe restrictions should be imposed to address their concerns.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below. However, as indicated at the hearing, it is felt that Petitioners have not submitted sufficient evidence to support its request for a lighted driving range. In the opinion of the Deputy Zoning Commissioner, the testimony presented was insufficient to affect upon neighboring properties. Due to Petitioners not having detailed plans regarding what type of lighting they propose, the height, location, and extent of lighting, a proper determination cannot be made at this time.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ______day of December, 1988 that the Petition for Special Exception for a golf course in an R.C. 5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted hereto, including, but not limited to those submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Office of Planning dated November 28, 1988.

3) CRG approval of this project is required without a waiv r.

4) Petitioners shall landscape the property at a minimum as set forth in Petitioner's Exhibits 5 and Further, Petitioners shall provide additional landscaping, as may be deemed appropriate by the Landscape Planner in the Office of Current Planning, to buffer the property along Raphael Road, including, but not limited to, the parking areas.

5) Petitioners shall provide the low-profile, cutoff lighting fixtures as depicted in Petitioner's Exhibit 6 for the parking lot and shall take whatever steps necessary to insure the lighting does not reflect onto adjoining residential properties.

6) Light fixtures shall not exceed 12 feet in height unless approved for higher by CRG. However, in no event shall the height exceed 15 feet.

7) There shall be no lighting for the driving range unless hereinafter modified after a Special Hearing. 8) The hours of operation shall not exceed 6:00 AM

to 9:00 PM. 9) The golf course and ancillary uses shall be used only between April 1 and October 31, of any given year

unless modified after a Special Hearing. 10) The area designated as existing woods on Petitioner's Exhibit 5 shall remain open and undeveloped unless modified by a special hearing.

11) Petitioners shall take whatever steps necessary to insure that the entrance to the property is locked each evening by 9:30 PM.

12) Prior to the issuance of any permits, Petitioners shall submit the site plan approved by CRG. If there are changes as to placement of individual golf holes, or the driving range, the plan will be approved by the Zoning Commissioner and/or Deputy Zoning Commissioner if found to be within the spirit and intent of the original plan.

13) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> / MNaterowica ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 404x3064x 887-3353 J. Robert Haines Zoning Commissioner

December 16, 1988

Howard L. Alderman, Jr., Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION E/S Raphael Road, 275' N of Mt. Vista Road 11th Election District - 5th Councilmanic District James F. Stadler, et al - Petitioners Case No. 89-190-X

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

for Baltimore County

A. M. Alesterainy ANN M. NASTAROWICZ Deputy Zoning Commissioner

Dennis F. Rasmussen

AMN:bjs

cc: Mr. Kenneth Holt President, Greater Kingsville Civic Association c/o P.O. Box 221, Kingsville, Md. 21087

Mr. Kevin Lindsey 11022 Raphael Road, Upper Falls, Md. 21156

Ms. Charlotte Pine 607 Baltimore Avenue, Towson, Md. 21204

People's Counsel

File

PETITION FOR SPECIAL EXCEPTION

#103

| 89.190.X |
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| altimore County and which
rt hereof, hereby petition for
Baltimore County, to use t |
| zone |
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| |

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| | I/We do solemnly of
under the penalties of I
are the legal owner(s) | perjury, that I/we | |
|--|---|-----------------------------|--|
| | which is the subject of t | this Petition MAP NEIZJ & K | |
| Contract Purchaser: | Legal Owner(s): JAMES F. STADLER | 4C | |
| (Type or Print Name) | (Type or Print Name) | DATE 2-1-19 | |
| Signature | Signature PAUL J. STADLER | 1050 B.F. | |
| Address | (Type or Print Name) | les DP | |
| City and State | Signature V | | |
| Attorney for Petitioner: Howard L. Alderman, Ir. | 11120 REYNOLDS RD | 592-9200 | |
| (Type of Print Name) | Address
KINGSVILLE, MD 21087 | Phone No. | |
| Signature | City and State | , | |
| Site 113, 305 W. Charge, to Nove | Name, address and phone number tract purchaser or representative | | |
| Terren 100 7,1204 | SPELLMAN, LARSON & ASSO | C., INC. AND REPRESENTA- | |

QRDERED By The Zoning Commissioner of Baltimore County, this _____ 28th____ day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 29th day of November, 1988, at 9:30 o'clock

Zoning Commissioner of Baltimore County

105 W. CHESAPEAKE AVE. SUITE 107

TCWSON, MD 21204 823-3535

Z.C.O.-No. 1

Attorney's Telephone No.: 371-666

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SUITE 107 - JEFFERSON BUILDING TOS W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 823-3535

ROBERT E SPELLMAN. P.L.S. HENRY M APPEL ALFRED F. JUNGERS, P.L. S.

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING - STADLER PROPERTY - RAPHAEL ROAD, 11TH DISTRICT, BALTIMORE COUNTY, MD

Beginning for the same at a point on the East side of Raphael Road at the distance of 275 feet, more or less, Northerly along the East side of Raphael Road from the centerline of Mt. Vista Road and running thence at right angles to Raphael Road North 85 Degrees 39 Minutes 34 Seconds West 2603.19 feet thence South 02 Degrees 59 Minutes 03 Seconds East 1236.74 feet South 88 Degrees 04 Minutes 03 Seconds West 492.73 feet South 02 Degrees 41 Minutes 59 Seconds East 434.64 feet South 02 Degrees 59 Minutes 55 Seconds East 73.39 feet and South 85 Degrees 45 Minutes 53 Seconds West 2235,95 feet to the East side of Raphael Road herein referred to and running thence and binding on the East side of Raphael Road North 24 Degrees 26 Minutes 05 Seconds West 92.44 feet Northwesterly by a curve to the right with a radius of 490.00 feet the distance of 246.13 feet (the cord of the arc pears North 10 Degrees 02 Minutes 41 Seconds West 243.55 feet) and North 04 Degrees 20 Minutes 43 Seconds East 1645.92 feet to the place of beginning.

7/29/88

Containing 110 acres of land, more or less.

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN . LAND SURVEYING LAND PLANNING . SUBDIVISION LAYOUT . FEASIBILITY STUDIES . ESTIMATING GRADING STUDIES . LOCATION SURVEYS . TECHNICAL CONSULTATION

RE: PETITION FOR SPECIAL EXCEPTION E/S Raphael Rd., 275' N. Mt. Vista Rd., 11th Election Dist .: :

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-190-X

JAMES F. & PAUL J. STADLER,

5th Councilmanic Dist.

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Foredwan Phyllis Cole Friedman People's Counsel for Baltimore County

Leter Max Zumeman Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Esquire, Suite 113, 305 W. Chesapeake Ave., Towson, MD 21204; and Spellman, Larson & Associates, Inc., 105 W. Chesapeake Ave., Suite 107, Towson, MD

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY

89-19U-X

Date of Posting 11/12/87 Jones F. + Paul J. Stadler Location of property: Els Raphal Rd., 175 M/Mt. Vis to Pd Location of Signer Facing Roph e. I Rd., of in torsection of MI. Visto RI, approx. b' Fr. Youdway, on property of Petitionian 11/14/87 Number of Signs: ___/

CERTIFICATE OF PUBLICATION

of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeake Av-enue in Towson, Maryland as fol-Case number: 89-190-X
E/S Raphael Road; 275' N
Mt. Vista Road
11th Election District 5th Councilmanic Petitioner(s): James F. & Paul J. Stadler Hearing Date: Tuesday, Nov. 29, 1988 at 9:30 a.m.* EMERGENCY PLAN IS IN EF-FECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 454-3391 TO CONFIRM DATE. In the event that this Petition is

granted, a building permit may be ssued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of and commissioner will.

sury request for a stary of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County 11/278 Nov. 2.

J. ROBERT HAINES

TOWSON, MD., Navember 3, 1983 THIS IS TO CERTIFY, that the annexed advertisement was North east Times
published in THE JEFFERSONIAN/A weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on november 3 , 1988.

THE JEFFERSONIAN,

PO 05763 req 1120393 case 39-190-X price \$69.00

494-3391 TO CONFIRM DATE. Zoning Commissioner Office of Planning & Zoning

*IF PORT II OF SNOW EMERGENCY PLAN EFFECT ON THIS DATE,

CASE MAY BE RESCHEDULED. CALL

Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Commissioner

Mr. James F. Stadler, et al

11120 Reynolds Road Kingsville, Maryland 21087 Re: Petition for Special Exception

CASE NUMBER: 89-190-X E/S Raphael Road, 275' N Mt. Vista Road 11th Election District - 5th Councilmanic Petitioner(s): James F. and Paul J. Stadler HEARING SCHEDULED: TUESDAY, NOVEMBER 29, 1988 at 9:30 a.m.*

Baltimore County

Please be advised that 84.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zonino Office, County Office

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION i post set(s), there MISCELLANEOUS CASH RECEIPT r each set not 11-01-615-000

VALIDATION OR SIGNATURE OF CASHIL DISTRIBUTION
WATE, CASHER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111

Petition for Special Exception CASE NUMBER: 89-190-X E/S Raphael Road, 275 N Mt. Vista Road 11th Election District - 5th Councilmanic Petitioner(s): James F. and Paul J. Stadler HEARING SCHEDULED: TLESDAY, NOVEMBER 29, 1988 at 9:30 a.m.* Special Exception: A golf course in an R.C.-5 zone.

W. Chesapeake Avenue in Towson, Maryland as follows:

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any rejuest for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in

*NOTE:

IF PHASE II OF THE SNOW

EMERGENCY PLAN IS IN EFFECT

this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: James F. Stadler, et al

IN BALTIMORF COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, Howard L. Alderman, Jr., esq. DECEMBER 22, 1988. PLEASE Spellman, Larson & Assoc. TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM DATE.

PETITIONER'S EVH 13 2 A

To Whom It May Concern:

June 8, 1988

Re: Stadler Property E/S Raphael Road at Mt. Vista Road

The intent of this letter is to inform all interested parties of the proposal by James and Paul Stadler to build a scenic 18 hole executive golf course on the property they have just purchased from the Rutkowski family at the abovereferenced location.

It is the owner's proposal to develop their property as allowed by special exception under the Baltimore County Zoning Regulations as an 18 hole golf course with related clubhouse, parking area and ancillary uses.

The utilization of this property as a golf course is one of the more attractive uses allowed under the current Zoning Regulations. The golf course development would minimize the area of disturbance of the property as opposed to the site being developed in any other fashion. The entire property would be left totally undisturbed except for the necessary grading and landscaping required to form the golf course layout.

As you are aware this property could support 73 single family homes if it were developed residentially whereby the golf course as presently proposed is an extremely less intense land use concept.

The construction of the golf course would also be an enhancement to the community and an enrichment to the surrounding properties.

To Whom It May Concern:

June 8, 1988 Page 2

Re: Stadler Property E/S Raphael Road at Mt. Vista Road

By way of this letter we wish to enlist your support of our proposal since we will be presenting this project before the Zoning Commissioner for his approval within the next several months. We are looking to obtain the acceptance of the entire community on this matter at the outset prior to any formal County hearings. Your signature below endorses your support of our endeavor.

James Stadler - Paul Stadler

Juanita Ruthowski 11311 Raphel Rd ripper Fells

n William Ruthowski 11311 Baphel Rd

margaret E. Getkerski 11309 Raphel Rd. 3. Margaret E. Getkerski 4. Winnie Wilcox 7813 Bradshow Re. Egger Falls POBox 246 POBOL 244
POBOL 244
Repair Fallo Ml 21114

Poi Boy 14

repair Fallo Ml 21156

7913 Brockhow Rd Upper Follo 711d 21156

105 Alcock Rd, Balto, Md, 21221 1 dogwood Drine \$21220 Fred & Betty Williams Sing a normy Sittle 7916 Shirty are 21237

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1/408 Space Dr Kingsville M 21087

Deve Williams 1 Organise Drive 21220

Randy Stock 2011 Mace Ave 21221

To Whom It May Concern:

June 8, 1988 Page 2

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James Stadler - Paul Stadler

PETITIONER EXHIBIT 26 11802 Belair Rost Kingwille III

14 Ridgiciff Court 11802 Beller Rd. 11802 Bil air Rd

Mary Franco Sheppers Calein Corentini Janie M. Gargi Regina B. Shepperd Thereen The Kallins

Just Linker Kinker mark E. Bowman Charles J. Benoman

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11501 Franklimtille Rt. UpperFelle Mt. 3034 Bradi Law Ha BradshewAt 1706 Chapman Rd. Henginle Tel 11548 Franklinville Rd. Pyper Falls 7706 Chapman Rd ringsviller Dong rate Mide 11710 Salui Spran Terr. Knywole up il 11714 Littme are, Longaun, in 21087

11711 Rolling an Planner in 2 21057 sing ville mi

June 8, 1988

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EXHIBIT 26

To Whom It May Concern:

Re: Stadler Property E/S Raphael Road at Mt. Vista Road

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June 8, 1988

Page 2

James Stadler - Paul Stadler

i plen & Rulhord 2508 Old Lopper Ld 2014

2 Conrad Frelhoud 1340 Southwell In Bellin 21014

3. CS at Mone 9113 Smith au. Ph. 21236 2601 Claud the Follston 2104) 4217 Dakey ave Ballo-md. 2123 11815 Ryrabel Rel. Brookhow, MD2103/ 323 Darling Ll Inoruin 8 May Jane Shauton Af course I hima M. Brandt 1403 Rafi hel Rd. Uper falls, Md.

21156

Pelfory John M. Clark 120 Break Loop Lyper falls, Md.

11 Mani a Miller 2506 led Jopa al, Jopas DD 21085

13 Laurie Mullen 2510 Old Joppa Rd Joppa 21085

14 Irene Wester 2510 Old Joppa Rd Joppa 21085

15 Horver Wirtz M. 2510 Old Joppa Rd Joppa 21085



PUBLIC COURSE COMING — John S. Davis surveys a portion of the land on which he plans to build an 18-hole public golf course near Rocks State Park. The barn in the background, after renovation, will be used as a clubhouse. In addition to Mr. Davis' plan, Frank Donahue has proposed

2 public golf courses sought here

By Don Morrison cess to a public golf course for its citi- HARFORD COUNTY — The Baltimore metropolitan area currently has no full-sized that could take from three to four the country club in Aberdeen, now has a waiting list of about 65 for its full farmily golf membership, though limited the country club in Aberdeen, now has a waiting list of about 65 for its full farmily golf membership, though limited

There are three public golf courses in Baltimore County, each averaging over 60.000 rounds per year placing them at their maximum usage. Similarity the semi-private Pleasant Valley Colf Club in Stewardstown, Pa plays at the club. Locally, there are three full-sized boshing lists, is out of the reach of the average weekend golfer, here.

PAINT BALL — Action pursuit games are now being played in Harford County. Page AA-1

OPTION — One of the Control of the County of the county. Page AA-1

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OPTION — One of the county of the cou

Page AA-1 | Law enforcement leaders | County's largest devel-

by murde EDGEWOOD - They are quick to

orshipper who is just like Charles lood on his clothing about the time 'atricia Sue "Suzy" Toucheck was re ported missing on that Saturday.

But the friends and neighbors of iat attractive 14-year-old Edgewood idle School student, her strangle and nude body found last Wednesda in a grove of trees less than 200 fee ominium, will just have to wa and see if the person they swear killer oung Toucheck will be charged. Obviously it (the allegations roused our suspicions enpurch to don't believe we have enough to make an arrest. We need a little more elore we do," said Major Jesse Bane pokesman for the Harlord Sheriff' tment, when discussing the ong consensus in that community "All we've gotten is hearsay, it uendoes, assumptions and guilt by hing tangible," Major Bane contin

Lab in Washington, D.C.. Possibly, what is revealed may ti change the status of the case. "Depending on the results of the

ranks in the bottom 13 of 298 metro golf links, but it is a situation which areas in the country in providing action that the plans of two private citizens here come to fruition as expected within come to fruition and several come up if he were to register today.

"We took in about 30 to 35 this come to fruition and several come up if he were to register today."

"We took in about 30 to 35 this come to fruition and several come up if he were to register today."

"We took in about 30 to 35 this come to fruition and several come to fruition."

Physical aids available through Lions Club The Lions Club of Bel Air through its Health & Welfare Committee, distributes on a temporary free loan basis many remporary free loan basis many stems of equipment that are needed by area residents, items include hospital beds, wheel-chairs, crutches, walkers, bed-side commodes, and bedtrays and other articles.

Almost all of the equipment

2 public golf courses sought here

(Continued from Page A-T)

Courses, especially on the weekends.
Thus, Harford golfers who are not members of private clubs or who can members of private clubs or who can can dilute the country of the Country's Director of Parks and the Country's

lated plans to build courses in widely separated parts of the county materiafized this year.

"Two been closely in touch with both of them, I've talked to their builder (Robert L. Elder of Smithsburg, Md.) and I think their chances are excellent of pulling it off," said Mr. Kozenewski, "That means, with our population (approaching 160,000) we should be able to support three (courses)."

The P&R director added that Colf Foundation shows that the preliminary stages of their pro
available to the general public here, available to the general public here, as which would see the course located on both sides of lightly traveled Davis Road.

Elwood V. Stark, Jr., who is representing both prospective golf course builders in their zoning matters with the County, said that he makes it a practice never to predict how such requests will be acted upon by the governing bodies. However, he said he felt the Donahue hearing went well and that the Davis situation, being in a public course as a would pay on a public course as a mean of holding down the play by non-members. And, restrictions are builders in their zoning matters with the County, said that he makes it a practice never to predict how such requests will be acted upon by the governing bodies. However, he said he felt the Donahue hearing went well and that the Davis situation, being in a public course as a mean of holding down the play by non-members. And, restrictions are builders in their zoning matters with the County, said that he makes it a practice never to predict how such requests will be acted upon by the governing bodies. However, he said he felt the Donahue hearing went well and that the Davis situation, being in a public course as a mean of holding down the play by non-members. And, restrictions are excentions are placed on the number of times a guest to their pro
are provided (Robert L. Elder of Smithsburg, Md.) and I think their chances are excentions are placed on the number of times a guest of the two proposed to their provided in the provided in th The P&R director added that Colf foundation information shows that not only is the Balkimore area among the most deficient in public courses, but the Washington, D.C. vicinity ranks 277th poorest on the list of 298 metro areas adding to the crunch that has seen it become all but impossible to obtain the off times at area public of the courses permitted on their obtains the course and that the Davis situation, being in a lesser populated area, could be a good deal less complicated. "The County has been diligent and winding his way through the County's planning and Zoning bureaucracy to have the courses permitted on their off times at area public."

The County has been diligent and that the Davis situation, being in a lesser populated area, could be a good deal less complicated. "The County has been diligent and that the Davis situation, being in a lesser populated area, could be a good deal less complicated. "The County has been diligent and that the Davis situation, being in a lesser populated area, could be a good deal less complicated. "The County has been diligent and Mr. Stark. "The Planning and Zoning bureaucracy to have the courses permitted on their projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the courses permitted on their projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the courses permitted on their projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the course projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the course projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the course projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the course projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have the course projects. Each has rough plans from Mr. Stark "The Planning and Zoning bureaucracy to have projects. Each has rough p

tential golf course builders, neither of Job openings available in whom has ever been involved in such a venture before, could well be into School-Community Ctrs. program construction by next spring, they said. Even officials at the three private courses say that, while it is a healthy Staff positions are available for the The School-Community Centers situation to have a waiting list with School-Community Centers program. Program is funded by the Maryland more people desiring to use the facility was announced this week. Centers State Department of Education and is will be open from 7 to 9 p.m. on Fri-sponsored and administered locally infrequent golfer who does not re-

GOURDS SPOOKIES

Garden Mums | Farms Animals

DWARF PUMPKINS

av evenings from Nov. 4, 1988 by personnel in the Harford County hrough March 17, 1989.

Application and the Harford County public Schools and the Harford County hrough March 17, 1989. The School-Community Centers ty Department of Parks and Recre—club, the public links could be the anprogram emphasizes organized recreation.

ational activities for youth. Interested persons should contact personnel in the Harford County Public Schools' central office at 838-7300, extension (PUMPKINS) Current plans call for centers to be established at the following schools: Bel Air Middle, Darlington Elementary, Havre de Grace Middle, Jarrettsville Elementarry, Norrisville Elementary, North Harford Elemen-

tary, Prospect Mill Elementary, Wil-Iram 5, James Elementary, and Youth's

The County's Director of Parks and Recreation Stanley Kozenewski said that there is a dire need for as many as three public courses in Marford County. However, he said, the local government currently has no plans for constructing a course on its own.

"We'll do anything possible to help someone interested in building a course," said Mr. Kozenewski, adding that the County had considered publishing a request for proposals for private groups to build and operate a course, that is before the two unrelated plans to build courses in widely separated parts of the county materialized this year.

"I've' been closely in touch with interested in building a related possible to the general public here, as early as next year.

"I've' been closely in touch with interested the plan to build the of them I've salked to the salked to t

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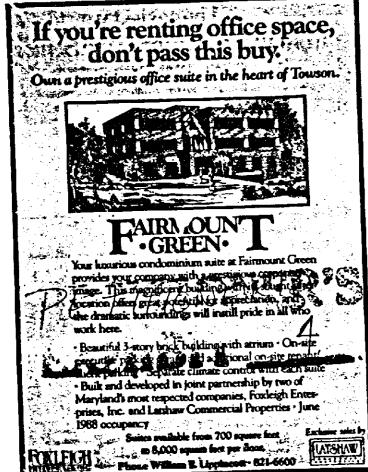
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ate and confidential consid eration, contact James Tighe Inc. is looking for a select few Branch Manager at (301 to become Financial Consul-tants in our Baltimore office. 576-3066. We are an equal opportunity employer. MINDS OVER MONEY



LEHMAN BROTHERS

Shearson Lehman Brothers

County developers propose golf course at landfill site

By Michael Ruby
unnamed course will be privately owned but open to the public. The Two Kingsville brothers are proposing to create an 18-hole, executive golf course on a site once proposed for a landfill.

James and Paul Stadler are seeking permission from Baltimore County life the proposal is OK'd by the zoning officials as build a A OOL ward in a commissioner. Stadler said he zoning officials to build a 4,000-yard ing commissioner, Stadler said he golf course on a 110-acre parcel located just north of Interstate 95 on the east side of Raphael Road, near the Harford County line.

Along with the next three and four Harford County line.

Along with the par three and four course, the brothers also are planning to put a 30-tee driving range, a small club house and a practice putting ro put a 30-tee driving range, a small club house and a practice putting green on the property recently purchased from the adjacent farm owner.

But before any grading or planting can be started they first must get and they first must get and they director of the Raltimore County. put before any grading or planting can be started, they first must get approval for the project from the Baltimore County Joning commissioner.

The property's zoning allows for the professional gallows for the professional gallows for the solf course was labeled as the course was ranked as the c golf course use, but only after the Stadlers prove that it would not detrimentally impact the health, safety and only one per 180,000 people. general welfare of the community.

No date has been set for the public translates into long waiting lists for hearing before the county's top zoning entrance into a country club or long waiting lines to tee off at public official.

In the mid-1970s, county government authorities had targeted the site
ment authorities had targeted the site
ment authorities had targeted the site
ment authorities had targeted the site
multi-and tear on available facilities, both for a new landfill, but community opposition forced the officials to abandon their plan. Instead, the dump was

established near Days Cove on the 45,000 rounds played on it a year." other side of 1-95 at Allender Road. Fisher said. But we estimate that the Now the neighbors are backing the public courses are handling in excess golf course proposal. "We've got more than 100 signatures from members of Besides the impact on recreational the community in support of the project," said Howard L. Alderman Jr., hurts Baltimore County's economic the attorney representing the Stadlers.
"And at an informal meeting of the community association, there was a "This is very important to comstraw vote almost unanimous in its approval of the plan."

The brothers, who own Stadler Construction Co., picked up the parcel because it "is close to where we are the parcel because it is considered by the parcel by t Another member of the commisup for sale for a while, and we figured sion, Nathan Chapman, said he However, there is no public water or sewer available to the property, and tests for local well water "weren't to mod for authors of the property to the p and rests for socal well water "weren't too good for putting a lot of houses there." he aided. "So we decided it would be a social and the so would be a good spot for a golf "It's almost a crisis," Brotman said. "So the commission has asked Bob The course layout as presented to the zoning commissioner is preliminary, "just to show and "Chur engineer".

"So the commission has asked beother than the country's recreation and parks agency) to look at available sites and try to match them available sites and try to match them the country of the country recommendation of the commission has asked beother than the country's recreation and parks agency) to look at available sites and try to match them the country of the commission has asked beother than the country's recreation and parks agency) to look at a state of the commission has asked beother than the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country's recreation and parks agency to look at a state of the country agency to look at a state of the country's recreation and parks agency to look at a state of the country agency to look at a state of the country's recreation and parks agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country agency to look at a state of the country ag the land," Stadler said. "Our engineer up with people who want to build them." to spend a lot of money on a golf course designer until we had approval

EQUAL OPPORTUNITY

IT IS THE POUNCY OF THIS NEWSPAPER TO employ people on the basis at their qualifuctions and with automated of equal opportunity and treatment in sand-lies or race color creed six age recasi orientation, religion national origin on handcap and to not know any a recreation or all contracts which employ any treatment or described any are record as age. Sexual orientation, religion, national origin or handcap and to not race, color, creed sex age, sexual orientation and an advisorable and a faithful and the sexual orientation or discrementation for the contract of the sexual orientation or discrementation and the sexual orientation of the sexual orientation or discremental linear Scales or Sexual orientation or discrementation origin or handcap and the sexual orientation or discrementation or discrementation origin or handcap and the sexual orientation or discrementation origin or handcap and the sexual orientation or discrementation or discrementation origin or handcap and the sexual orientation or discrementation or discrementation origin or handcap and the sexual orientation or discrementation origination or discrementation o

PETITION

We, the undersigned, are opposed to Special Exception - Case Number 89-190-X which would allow the construction and maintenance of a golf course on Raphael Road as long as the plans for the said recreational facility include a lighted driving range.

| recrea | tional facility instant a 1-3 | |
|--------------|--|----------------------------------|
| | NAME: O OO | ADDRESS: |
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89-190-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ___day of ___September

Petitioner James F. Stadler, et al Attorney Howard L. Alderson, Jr.

Advisory Committee

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

October 28, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dennis F. Rasmussen

Item No. 103 Property Owner: Location: Existing Zoning:

Proposed Zoning:

-ZAC- Meeting of September 27, 1988 James F. Stadler & Paul J. Stadler E/8 of Raphael Rd., 275' N. of Mt. Vista Road. Special Exception for a golf course

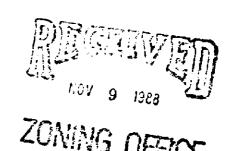
District:

110,000 acres 11th Election District

in an R.C. - 5 zone.

The proposed special exception for a golf course can be expected to generate approximately 1,000 additional trips on Raphael Road.

> Very truly yours, Michael S. Flanigan Engineering Associate



ZONING OFFICE

Baltimore County Fire Department Towson, Maryland 21204-2586

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: James F. Stadler & Paul J. Stadler

Location: E/S Raphael Rd., 275' N. of Mt. Vista Road

Item No.: 103 Zoning Agenda: Meeting of 9/27/88 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

September 28, 1988

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($^{\rm X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

/jl

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 16, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Suite 113

MEMBERS Bureau of

Engineering Department of Traffic Engineering

State Roads Commission Health Department Project Planning Buildang Department Board of Education Zoning Administration

Industrial

Howard L. Alderman, Jr., Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

> RE: Item No. 103 - Case No. 89-190-X Petitioner: James F. Stadler, et al Petition for Special Exception

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, James & : Dyer/H JAMES E. DYER

Chairman Zoning Plans Advisory Committee

cc: Spellman, Larson & Associates, Inc. Suite 107 105 W. Chesepeake Avenue Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

10-3-88

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item 1/03, Zoning Advisory Committee Meeting of 9-27-88

Property Owner: James & Paul Stadler

Location: E/5 Raphael Rd. District //

District // Sewage Disposal Surate COMMENTS ARE AS FOLLOWS

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) aquare feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction

of new health care facilities, complete plans and specifications of the building, food service

area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances

pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County

) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Hanagement

at 494-3768, recarding removal and/or disposal of potentially bazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Frior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768. () Soil percolation tests, have been ____, must be ____, conducted.) The results are valid until
) Soil . percolation test results have expired. Petitioner should contact the Division of

Water and Sewer to determine whether additional tests are required. (1/) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test) shall be valid until) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an

() Prior to occupancy approval, the potability of the water supply must be verified by collection

orhers Net weather Festing may be required for soil

percolation Fists

June 3, 1988

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Dennis F. Rasmussen

Mr. Joseph L. Larson Vice President Spellman, Larson & Associates, Inc. 105 W. Chesapeake Avenue, Suite 107 Towson, Maryland 21204

RE: Rutkowski Property (Stadler Property) Raphael Road Job No. 88007 11th Election District

Reference is made to your letter dated May 9, 1988 requesting advise as to whether or not an 18 hole executive golf course would be permitted under the Special Exception uses of the R.C.5 zone.

Please be advised that the R.C.5 zone lists golf courses, country clubs, or similar outdoor recreation clubs as Special Exception uses. Also, the Definitions Section of the Baltimore County Zoning Regulations (B.C.Z.R.) defines a country club as "a 9 or 18 hole golf course with a club house and other appropriate facilities which may include other recreational facilities.

Notwithstanding this definition, I am aware of one other zoning petition concerning a 9 hole golf course with a driving range and learning school that was denied by the previous Zoning Commissioner as not meeting the tests of a golf course. I am enclosing pertinent portions of that particular petition for your review and edification.

Based upon the fact that your client's plans include 18 holes, a driving range, and a club house, it would appear that the executive design of the course would qualify as a golf course listed under the use regulations as well as the definition. However, I am sure the Zoning Commissioner will give consideration to this matter at the time of the hearing.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date November 28, 1988

Pat Keller, Deputy Director FROM Office of Planning and Zoning

J. Robert Haines

TO Zoning Commissioner

SUBJECT Zoning Petition No. 89-190-X (Stadler)

The applicant is requesting a special exception to establish a golf course aand driving range on a parcelof land zoned R.C.5. In reference to this request, staff provides the following information:

• The applicant is proposing the construction of an 18 hole golf course, with a 300' by 1000' driving range, a putting green and a 40' by 60' club house. The golf course will be located on the portion of the tract that lies east of Raphael Road and west of the transmission rightof-way that bisects the tract. The existing woods that lie to the east of the right-of-way and small clusters to the west of the rightof-way will be preserved.

• The perimeter of the site along Raphael road, and the north and south property lines is proposed to be screened. The parking lot and area will hold approximately 204 cars (189 are required).

The applicant will be required to obtain CRG approval for this project.

• The applicant has met with the community association and neighbors to discuss this project.

Based upon the analysis conducted and information provided, staff recommends approvel of the applicant's request subject to the conditions noted:

- A landscape plan shall be reviewed and approved by the County Landscape Planner to address the issues of 1) adequate screening of driving range from adjacent property; 2) adequate street planting along Raphael Road; 3) adequate screening of the golf course from the property owner to the south; and 4) adequate parking lot and building landscaping.

- The buffer dimensions as shown on the applicant's site plan shall be met to the greatest extent possible at the CRG. The parking lot and driving range should be moved eastward a minimum of 50' from ultimate ROW to permit a landscape screening that protects the residents on Raphael

- The applicant should consider participation in a woodland preservation

program to maintain and preserve existing woods on the tract as well as future tree planting.

No. 89-190-X

- The parking lot layout should include internal landscape areas. The materials and design of the club house should blend in with the rural character of the community. The club house design and parking lot layout should be reviewed and approved by the Office of Planning and Zoning prior to submittal for CRG.

- The lighting shall be limited to the driving range and should be designed and regulated in a manner that will minimize impact upon adjoining neighbors.

- Accessory structures for machine storage or ancillary uses should be noted on the plan if contemplated.

- All uses for the proposed club house should be stipulated and enumerated, e.g., pro shop, cart rental, etc.

Mr. Joseph L. Larson Raphael Road June 3, 1988 Page 2

If I can be of any further assistance in this matter, please do not hesitate to contact me at 494-3390.

Very truly yours, JAMES E. DYER Zoning Supervisor

JED:cer Enclosures CALMAN A.LEVIN JULIUS W. LICHTER SIDNEY WEIMAN ROBERT L. PRELLER ANDREW R. SANDLER RANDOLPH C. KNEPPE! BRIAN I. FRANK HOWARD L. ALDERMAN, II

STUART D. KAPLOW

*ALSO ADMITTED IN DC

*ALSO ADMITTED NEW YORK

MARC C.GANN*

LAW OFFICES LEVIN. GANN & HANKIN A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUI TOWSON, MARYLAND 21204 301-321-0600 FAX 301-296-2801

October 4, 1988

BALTIMORE OFFICE IC LIGHT STREET BALTIMORE, MD 21202 301-539-3700 FAX 301-625-9050 CARROLL COUNTY OFFICE 1137 LIBERTY ROAD SYKESVILLE, MD 21784

J. Robert Haines, Zoning Commissioner Baltimore County Office of Planning and Zoning 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Special Exception for Golf Course in RC-5 Zone Item No. 103 Petitioners: Stadler

Dear Commissioner Haines:

On behalf of our clients, James and Paul Stadler, please consider this request for an expedited hearing for the Petition filed and known as Item No. 103. This hearing is for a Special Exception for a golf course in a RC-5 zone.

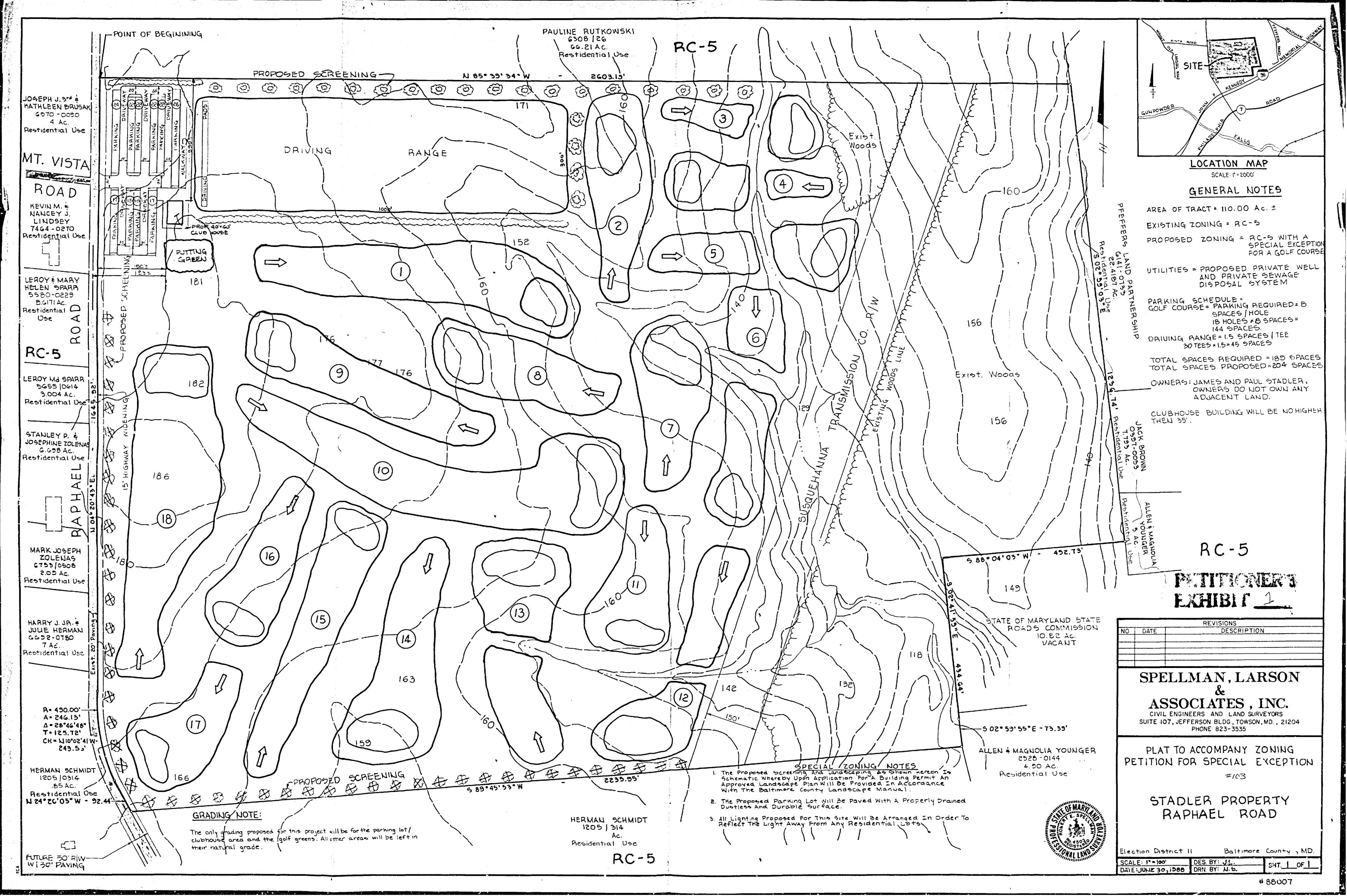
Our clients need to move ahead with this proposed golf course as quickly as possible. I have advised them that, before they retain the services of a golf professional and a golf course design expert, the hearing on the Special Exception should be held. To enable Spring construction of this golf course, we will need to have the design begun very shortly. Therefore, we respectfully request that the hearing on this matter be scheduled as quickly as possible.

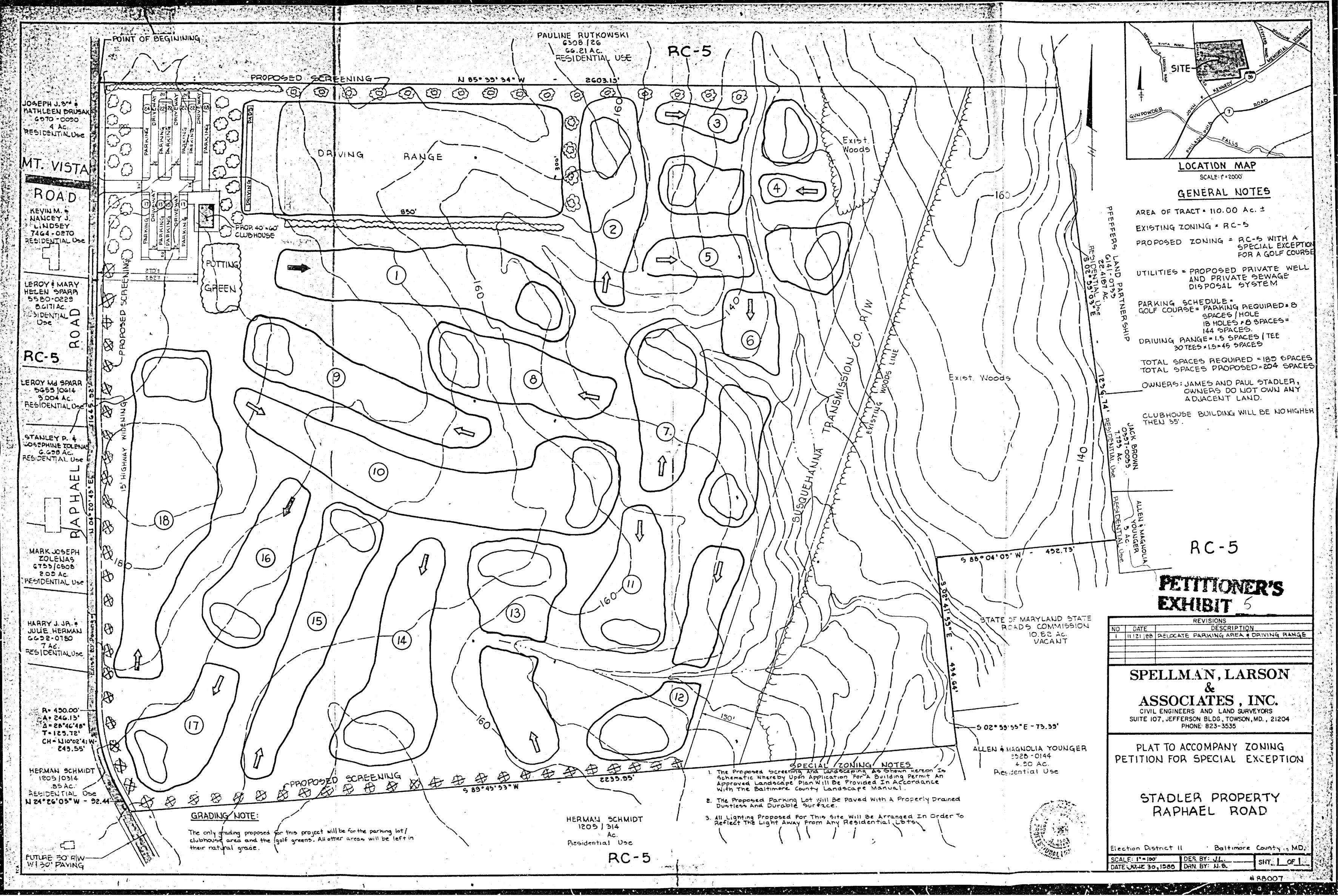
Should you have any questions or need additional information, please contact me.

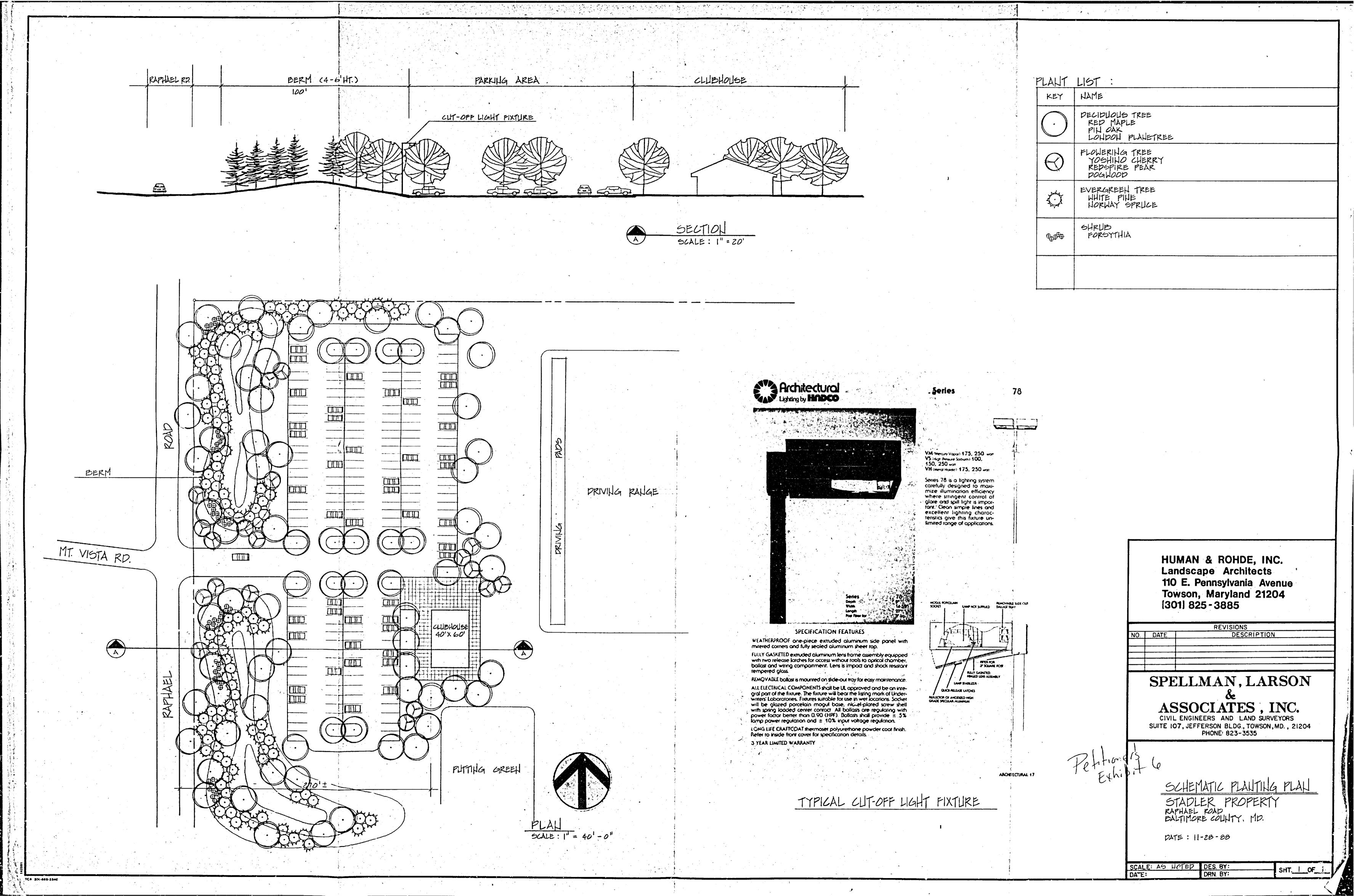
> Very truly yours, Howard L. Alderne Howard L. Alderman, Jr.

HLA/fl

cc: James and Paul Stadler







BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE: June 11, 1990

Robert R. Staab. Director Department of Recreation and Parks

J. Robert Haines Zoning Commissioner

SUBJECT: James F. Stadler, et al, Petitioners (Kingsville Executive Course)

As a follow up to our discussion, in the Executive Office last week, concerning a new golf course in Baltimore County, I have attached to this memorandum a copy of the Order of the Deputy Zoning Commissioner, Ann Nastarowicz, for the Kingsville Executive Course. The case was not appealed and, therefore, her opinion is controlling. Also attached is a copy of the Special Exception Site Plan.

I do not have any information regarding the time table for completion of this course, although I understand that the CRG approval of this golf course is close at hand.

If you have any questions regarding same, please feel free to contact me.

PETITION FOR SPECIAL EXCEPTION * BEFORE THE E/S Raphael Road, 275' N of Mt. Vista Road

* DEPUTY ZONING COMMISSIONER 11th Election District * OF BALTIMORE COUNTY 5th Councilmanic District

James F. Stadler, et al

* Case No. 89-190-X

WHEREAS, Counsel for Petitioners has requested an extension of the time period for utilizing the special exception granted on December 16, 1988 in the above-captioned matter;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of November, 1990 that a Petition for Special Hearing be filed to determine the appropriateness of extending said special exception, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and,

IT IS FURTHER ORDERED that within fifteen (15) days of the date of this Order, Petitioners shall file a Petition for Special Hearing requesting an extension of the special exception previously granted and/or, in the alternative, a determination that said special exception has been utilized; and,

IT IS FURTHER ORDERED that public notice of the hearing be given by advertising the special hearing and posting the property at Petitioners'

IT IS FURTHER ORDERED that the time period for utilizing the special exception granted in the above-captioned matter be and is hereby extended on an interim basis from December 16, 1990 through February 28,

1991 for purposes of allowing the Petitioner to proceed with filing the Petition for Special Hearing on its requested relief, subject, however, to the following restriction:

> 1) The Petitioner shall not commence construction of the project on the property on the basis of the special exception after December 15, 1990 unless and until it receives an Order approving the further extension of time to utilize the special exception pursuant to the special hearing requested by Petitioner.

> > a MNostonia ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County cc: Howard L. Alderman, Jr., Esquire 305 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel

BALTIMORE OFFICE MERCANTILE BANK & TRUST BUILDING 2 HOPKINS FLAZA BALTIMORE, MARYLAND 2120 301-539-3700

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LAW OFFICES LEVIN & GANN A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 301-321-0600

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ELLIS LEVIN (1893-1960) CARROLL COUNTY OFFICE II37 LIBERTY ROAD 5YKESVILLE, MD 21784

ZONING OFFICE

November 1, 1990 HOWARD L ALDERMAN, JR

HAND-DELIVERED

Ann M. Nastarowicz, Esquire Deputy Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

RE: James F. Stadler et al Case No. 89-190-X Extension of Special Exception

Dear Commissioner Nastarowicz:

On December 16, 1988 you granted a Petition for Special Exception for a golf course and accessory facilities in a R.C. 5 zone, subject to conditions contained in your Order of even date. Pursuant to enumerated condition 2, Petitioners have been diligently seeking CRG approval of the project.

As you may be aware, the Department of Environmental Protection and Resource Management has intensified the levels of review for golf course projects. Additionally, new requirements for wetland and stream protection and forest buffer encroachment have been enacted since the date of your Order.

I am pleased to report that on Thursday, October 25, 1990, the CRG took final approval action on this project. Two members of the community, not connected with the project, were in attendance and echoed the community's support for the course.

We must now submit revised CRG plans which are consistent with the County comments which form the basis of CRG approval. After submission of the plans, we must await compliance review and, finally, signature. It is anticipated that this process will take six to eight weeks.

After the CRG plans have been signed, an approved copy will be submitted to you, together with supporting documentation, in accordance with enumerated condition 12 of your Order.

LEVIN & GANN, P. A.

Ann M. Nastarowicz, Esquire November 1, 1990

Based on previous delays in obtaining County review and approval of the CRG plan, and the anticipated delay in obtaining a signed plan, we are seeking an extension of the previously granted Special Exception. This request is made in accordance with Section 502.3 of the Baltimore County Zoning Regulations. The owners will continue to pursue all necessary County approvals so that course construction can commence in early 1991.

Please call me if I can provide any additional information that you may require in connection with this requested extension.

Very truly yours,

HLAJr/ls

cc: Mr. James Stadler

BALTIMORE OFFICE MERCANTILE BANK & TRUST BUILDING 2 HOPKINS PLAZA 9TH FLOOR BALTIMORE, MARYLAND 2120 TELECOPIER 301-625-9050

LAW OFFICES LEVIN & GANN A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 301-321-0600 FAX 301-296-2801

November 8, 1990

HAND-DELIVERED

HOWARD L ALDERMAN, JR.

Ann M. Nastarowicz, Esquire Deputy Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue

Towson, Maryland 21204 RE: Mt. Vista Greens Colf Course Case No. 89-190-X Approved CRG Plan

ELLIS LEVIN (1893-1960)

CARROLL COUNTY OFFICE

1137 LIBERTY ROAD

SYKESVILLE, MD 21784

Dear Ms. Nastarowicz:

I enclose herewith a total of 5 sheets which form the Mount Vista Greens Golf Course Development Plan on which the County Review Group took final approval action on October 25, 1990. This CRG plan is being submitted for your review in accordance with your Order of December 16, 1988, granting the necessary Special Exception for this course in the above-referenced case.

I have described below the minor modifications made to the approved Zoning plans to satisfy the Public Works and Environmental agencies of the County. It is our evaluation that the approved CRG plan is fully within the spirit and intent of your previous Order and the zoning plans upon which said Order was based.

- Parking area was reconfigured and the club house relocated due to existence of wetlands. Both the required parking and the proposed parking were reduced from that which was previously
- 2. The Driving Range was reduced from 30 to 27 tees, thereby reducing the required parking.
- 3. The Putting Green was relocated to allow for the parking reconfigurration.
- 4. The following tees and associated greens were reconfigured to provide necessary stream buffers:
 - a. Hole No. 1 shortened and dogleg added.

LEVIN & GANN, P. A.

Ann M. Nastarowicz, Esquire

- b. Hole No. 2 relocated with play across stream. Note that play areas and cart crossing have been approved by DEPRM.
- c. Hole No. 3 lengthened to permit play across stream; green area reduced in size and shifted into presently wooded area. Note that play area and cart crossing have been approved by DEPRM.
- d. Hole No. 4 relocated and reconfigured, with green area reduced in size with tee area shifted into presently wooded area.
- e. Hole No. 5 relocated and reconfigured to provide stream buffer, and Pond #3 which will be receiving a portion of the surface water on-site and which will be used for limited irrigation of the tees and greens.
- f. Hole No. 6 relocated and shortened.
- Hole No. 7 shifted to approximate location of former Hole No. 8 and slightly reconfigured.
- h. Hole No. 8 shifted to previously approved location of
- i. Hole No. 9 occupies portion of previously approved Hole No. 10.
- j. Hole No. 10 reduced in length from the previously approved Hole No. 10.
- k. Hole No. 11 no change.
- 1. Hole No. 12 Modified to allow for construction of Pond #2 which will receive a portion of the surface water onsite and which will be used for limited irrigation of the tees and greens.
- m. Hole No. 13 modified to remove delineation of nonexistent stream.
- n. Hole Nos. 14-18 no change. Note the addition of Pond #1 which will function as Ponds #2 and #3 described above.

Pursuant to your Order, and the concerns of a single

LEVIN & GANN, P. A.

Nastarowicz, Esquire November 8, 1990

attendee at the zoning hearing, the existing woods on the eastern side of the Susquehanna Transmission Co. ROW have been designated as "THIS" AREA NOT TO BE DISTURBED."

Intensive site investigations have been conducted relative to environmental quality and habitat protection. The State Department of Natural Resources, Natural Heritage Program has documented that there are no threatened or endangered species or habitats on this site.

Water sampling of surface water was begun in the Spring of 1990 and will continue for several years. A minimum of one year's data are required before construction of the course, other than the driving range, will begin. Additionally, two monitoring wells have been installed for purposes of ground water quality monitoring, as required

As represented at the zoning hearing, no ground water will be utilized for irrigation purposes. The three ponds shown will collect surface water for irrigation purposes. This pond system will also trap nutrients and other fertilizers for re-use.

We have met with the Greater Kingsville Civic Improvement Association and received member approval prior to the CRG meeting. In fact, at the continued CRG meeting where this plan was approved, only one citizen spoke, and he voiced support of the residents and Improvement Association.

You will recall that I had delivered to you a letter, dated November 1, 1990 requesting an extension of the previously granted Special Exception. It now appears, based on information recently supplied by my Clients, that such public hearing for extension may be unnecessary.

Pursuant to condition No. 1 of your Order, my Clients have sought sediment control and minor grading plans for the driving range portion of this project. After extensive plan review and the posting of the County required bond, a sediment control permit has been issued. The site modifications necessary for the driving range only are underway. All work and sediment control measures are being monitored by the Department of Environmental Protection and Resource Management. The Wetlands Division of DEPRM, under the direction of Mr. Rocky Powell, have approved all cart crossings, wetland and buffer delineation and the permit recently issued.

It is our contention that the CRG approval, posting of bond, permit issuance and present site work are sufficient to keep the previously approved "Special Exception" from expiring due to non

Ann M. Nastarowicz, Esquire Page 4 November 8, 1990

use. Should your interpretation differ with this position we will have to apply promptly for the Special Hearing.

LEVIN & GANN, P. A.

I should also note that a single-face sign is shown on the CRG plan of 15 square feet. This type and size sign is consistent with the

Finally, my Clients have increased the plantings proposed on this site. DEPRM staff were greatly supportive of the proposed plantings and the use of grassed swales for environmental quality considerations. All DEPRM approvals regarding the stream buffers have been obtained.

I believe that the owners/builders of this project have proceeded in good faith through the increasingly complex regulatory approval process. The plans are to start course construction in February or March of 1991. The initial 9 holes of the course and the driving range will be open in 1991 and the full 18 holes in operation by April, 1992.

Please review this letter, together with the approved CRG plan, which is enclosed, and the exhibits in the above-referenced case. We are seeking a determination from you that the entire project as approved by the CRG is within the spirit and intent of the Special Exception previously granted. We are also seeking a determination that due to the issuance of a County permit, posting of the required bond, and driving range construction that there will not be a need to seek an extension of the Special Exception. I will be most happy to meet Len Wasilewski, Zoning Inspector for this area on the site to review the work to date in accordance with the Special Exception.

Please advise me if you need any further information in your review of our request. An extra copy of the enclosed plan was submitted for signature to the Bureau of Public Services and will be forwarded to you for inclusion in the zoning file once it has been stamped and signed by the CRG.

Howard In Alderman, Jr.

HLA/dgh Enclosure

cc: Mr. James Stadler
Mr. Joseph Larson

NAST.HLA

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LAW OFFICES





ZONING OFFICE

HAND-DELIVERED

Ann M. Nastarowicz, Esquire Baltimore County Deputy Zoning Commissioner 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Mt. Vista Greens Golf Course Utilization of Special Exception Case No.: 89-190-X

Dear Commissioner Nastarowicz:

At your request, I enclose herewith a series of eight (8) photographs of the substantial construction which has occurred to date on the Mt. Vista Greens site. Although it is difficult to determine variations in grade from these still photographs, I have attempted to note the area of the elevated driving pad which will contain twenty-seven tees. These photographs were taken on November 18, 1990.

The disturbed areas have been seeded and mulched in accordance with DEPRM requirements. Two large stockpile areas of topsoil are located on-site at the request of DEPRM officials. All required sediment control fences have been installed and are continually maintained.

It is our position that the recently obtained CRG approval, posting of public bond, permit issuance and construction performed to date are, together, sufficient to qualify as substantial construction so as to avoid the lapse of the Special Exception granted in the above-referenced case.

Finally, my letter to you of November 8, 1990 describes in very detailed fashion, even the most incidental modifications made on the CRG plan. I think that a review of the approved CRG plan, together with the previously approved zoning plan will show that no major differences exist between the two plans.

In order to obtain financing for the balance of course construction, the retention of all previous approvals is crucial.

Ann M. Nastarowicz, Esquire Page 2 November 19, 1990

We, therefore, ask for your prompt review of our request to ensure that the previous special exception is valid due to substantial construction and that we can move forward with subsequent approvals based on the CRG plan.

Please call me at your earliest convenience to discuss these matters.

Very truly yours,

Down of Mulerman,

Howard L. Alderman, Jr.

LEVIN & GANN, P. A.

HLAJr/ls Enclosures

cc: Mr. James Stadler









